



June 4, 1999

Mr. Steven J. Duskie
Police Legal Advisor
City of Corpus Christi
P.O. Box 9016
Corpus Christi, Texas 78469-9016

OR99-1567

Dear Mr. Duskie:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 124578.

The Corpus Christi Police Department (the “department”) received two requests for information about police calls to specific addresses.¹ One request for information asks for police dispatch calls to a specific address and also links the names of individuals residing at that specific address. The other request seeks dispatch calls for a specific address and any police reports that were made about those calls. However, neither you nor the requestor show that this address is linked with any particular individual residing at that address. You assert that the requests actually seek the department to compile criminal history record information concerning the individuals who are residing at these addresses, and thus this information is protected from disclosure under section 552.101 of the Government Code.

Section 552.101 excepts “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Section 552.101 encompasses the doctrines of common-law and constitutional privacy. Common-law privacy protects information if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We believe that a compilation of offense reports of a named individual constitutes a criminal history record of that individual. Criminal history information may be withheld from required public disclosure under common-law privacy if it meets the criteria articulated for section 552.101 of the act by the Texas Supreme Court in *Industrial Foundation*.

¹We note that when a governmental body submits representative samples of records, we assume those records are truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). When representative samples are submitted, we do not address any other requested records to the extent that those records contain substantially different types of information.

In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the United States Supreme Court concluded that where an individual's CHRI is compiled or summarized by a governmental entity, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not. Based on *Reporters Committee*, this office has concluded that a request for law enforcement records that are linked to a specific individual implicates the individual's common-law privacy rights, and the responsive information is excepted from disclosure under section 552.101.

We agree that the request which seeks all dispatch calls for a particular address, from May 1998 through February of 1999, and links that information to reports concerning two named individuals is essentially a request for the governmental body to compile the criminal history records of these two named individuals. Information responsive to this request is protected from disclosure to the extent that the named individuals are identified as suspects in the dispatch records and service reports.

The other request, for police dispatch calls to a particular address and any police reports resulting from those calls, does not appear to be, nor have you provided information to show that it is, a request for the criminal history of any individual residing at the named address. You assert, however, that some of the records responsive to this request, labeled as Exhibit C, are protected from disclosure under section 58.007 of the Family Code and under section 552.108 of the Government Code. We will address your other arguments against disclosure.

Section 58.007(c) of the Family Code reads in pertinent part as follows:

Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public

Subsection (d), which concerns the transfer of records in certain circumstances, is apparently inapplicable to the records in Exhibit C. We agree that section 58.007(c) makes dispatch calls and police reports that concern juvenile offenders confidential in their entirety. *See also* Fam. Code § 51.02(2) (defining "child").

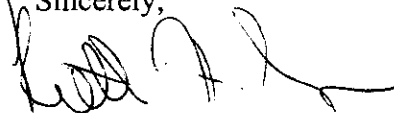
You contend that the other records at issue are confidential under section 552.108 of the Government Code, and cite to section 552.108(b)(2).² However, we have reviewed Exhibit C and conclude that the information that is not otherwise protected under section 58.007 of

²Subsection (b) of section 552.108 provides an exception for internal records of a law enforcement agency or prosecutor that are maintained for the agency or prosecutor's internal use in matters relating to law enforcement or prosecution. Subsection (a) is of broader scope, more generally concerning records held by a law enforcement agency or prosecutor that deal with the detection, investigation, or prosecution of crime. You cited to section 552.108(b) for the proposition that the dispatch calls and police reports are protected from disclosure. We note that, for the future, unless the records at issue are used strictly for internal police matters, your arguments would be more appropriately addressed under section 552.108(a).

the Family Code is basic, front page offense information that must be disclosed. Section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 124578

Encl. Submitted documents

cc: Ms. Mary Hinojosa
650 Airport Road
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(w/o enclosures)

Ms. Cathy Ketchum
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Corpus Christi, Texas 78410
(w/o enclosures)